BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In The Matter of	)	
	)	
Review of the Emergency Alert System	)	EB Docket No. 04-296
	)	
	)	

To: Office of the Secretary

<u>COMMENTS</u>

Alaska Broadcasters Association[1] and the State Emergency Communications Committee[2]

(the "Joint Parties"), by and through their attorneys, hereby submit the following Comments in

response to the Notice of Proposed Rulemaking[3] issued by the Federal Communications

Commission (the "Commission") in the above-captioned proceeding.

As discussed below, the Joint Parties support a number of the Commission's proposals to

improve the Emergency Alert System ("EAS"). Measures to shore up vulnerabilities in the

system, changes to EAS codes and structure, and the extension of EAS obligations to digital

broadcast media will help ensure an effective public warning mechanism. However, the Joint

Parties oppose efforts to establish mandatory participation in state and local EAS alerts or to

impose uniform federal rules on state and local EAS issues. The Commission can improve EAS

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[1] Alaska Broadcasters Association is a nonprofit organization whose members include commercial and noncommercial radio and television broadcasters throughout Alaska.

[2] The State Emergency Communications Committee oversees EAS efforts in Alaska, and its members include local Alaska broadcasters and cable system operators, the State of Alaska Division of Homeland Security and Emergency Management, the National Weather Service and the West Coast and Alaska Tsunami Warning Center. The State Emergency Communications Committee is chaired by Alaska broadcasters and cable system operators.

[3] *Review of the Emergency Alert System*, Notice of Proposed Rulemaking, FCC 04-189 (rel. Aug. 12, 2004) ("*NPRM*").

without significantly altering the voluntary nature of EAS or its state/local orientation. In

support thereof, the Joint Parties states as follows:

DISCUSSION

The Joint Parties support the recommendations of the Partnership for Public Warning

("PPW") and the Media Security and Reliability Council ("MSRC") to designate a single federal

entity to oversee EAS. *See NPRM* at ¶ 22. Giving the Department of Homeland Security chief

responsibility for managing EAS, as PPW advocates, will foster greater cohesiveness among

federal, state and local EAS efforts and result in a more effective emergency warning system.

However, while the Joint Parties favor increased federal oversight, they strongly oppose

the imposition of specific federal guidelines concerning the manner in which state and localities

activate EAS. *See id.* at ¶¶ 25-26. The Joint Parties are equally opposed to attempts to mandate

(rather than encourage) participation in state and local EAS alerts. *See id.* at ¶ 24. Local EAS

issues arise in a number of different settings and situations. Mandatory requirements and

national rules are impractical and burdensome in light of significant state, regional and local

differences. Altering the voluntary, local nature of EAS participation will not achieve the ends

desired by the Commission. Instead, the Commission should focus its improvement efforts on

broad technical changes and the extension of EAS participation to other services, such as DBS

and satellite DARS services.

With regard to the general security of EAS, the Joint Parties encourage the Commission

to provide guidance and oversight on the use of password protection of EAS encoders and the

encryption of various elements of EAS alerting data. *See id.* at ¶ 41. When the current

emergency warning system was designed in 1990-1993, little effort was devoted to security

concerns. 10 years later, EAS's operating principles and procedures remain openly accessible to

the public, and specific EAS plans are posted on numerous home pages. As a result, EAS is potentially vulnerable to terrorism-related disruptions in service. After the events of September 11, 2001, steps should be taken to secure over-the-air and IP-based activation infrastructures via password protection. Additionally, the Commission should consider requiring encryption of alerting transmissions.

With regard to EAS codes, the Joint Parties support mandating the use of new state and local event codes and requiring broadcasters and cable operators to upgrade their EAS equipment to receive all current codes, including those most recently adopted by the Commission.[4] *See NPRM* at ¶ 28. The Joint Parties suggest that parties should be required to replace their EAS equipment no later than one year after hardware or software implementing new codes becomes generally available.

The Joint Parties further submit that improvements should be made to the current format and structure of the header code transmitted with every EAS message. Specifically, an additional ASCII field for text messages should be used to modify the "crawl" displayed by television and cable stations through their character generators. The current limitation on crawling only the originator, event code, location and duration does not provide adequate information to the hearing-impaired community. *See id.* at ¶ 37. It also forces EAS to rely upon typically poor-quality audio messages contained in an alert. The Joint Parties submit that any new or redesigned system should allow the originator to insert an ASCII text message (a 1000 character field may be enough).

The Joint Parties note that the current system utilizes the NIST's FIPS codes for its geographically-specific messaging functionality. Any new or redesigned system should replace

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[4] *See Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, Report and Order, 17 FCC Rcd 4055 (2002).

these arbitrary codes with GPS-encoded messaging. This could include a built-in GPS receiver in new encoders or decoders, or potentially in consumer devices such as cable descramblers, HDTV/DVR devices, and weather-alert radios. By combining a geo-locatable consumer device with the carriage of alerts across traditional broadcast subcarrier channels, the system could minimize interference with commercial programming and other target-specific areas.

The Joint Parties support MSRC's identification of two primary functionalities as critical components of any new or redesigned warning system: (1) the ability of devices (such as radios and television sets, as well as other out-of-band devices, like FRS transceivers) to automatically turn on and tune in to a specific frequency carrying a warning; and (2) the capability of such devices to receive a geographically addressed message. *See id.* at ¶ 35. The advancements telecommunications providers have made in supporting Phase II E-911 requirements demonstrate that it is technically feasible to incorporate GPS receiver functionality in these devices.

Additionally, the Joint Parties submit that the original CONELRAD design of designating two national radio stations operating on 640 and 1240 kHz should be reconsidered. If a single frequency like 1705 kHz could be designated nationally as the single emergency alerting frequency in the AM band, and if all traditional radios and TV receivers include a 1705 kHz non-tunable radio receiver built into the device at the time of manufacture, then, at the state and local level, small and medium-powered radio transmitters operating on the 1705 AM band could be activated to alert the public in very specific geographic regions.

The Joint Parties recommend that the Commission endorse a policy to incorporate the functionalities identified by MSRC into consumer devices within the next 10 years and consider establishing a single national emergency frequency in the AM band for alert and warning. EAS could be substantially improved by combining a "force tune concept" with an auto on-off

function that is geographically addressable to a specific receiver unit or through the use of a national AM emergency frequency that is controlled at the state or local levels of government.

With regard to the extension of EAS obligations to other services, the Joint Parties support the application of EAS rules to other digital broadcast media, such as DBS, DTV and satellite DARS services. *See id.* at ¶ 29. Further, the Joint Parties support changing EAS rules to require all systems to install EAS equipment, including stations that do not carry local programming (defined as programming originating in the EAS Local Operational Area).

Finally, the Joint Parties recommend that the Commission endorse comprehensive training and testing policies. *See id.* at ¶¶ 43-44. With regard to training, the Joint Parties support training for emergency managers as well as subject broadcasters, cable systems and other media operators. With regard to testing, the Joint Parties submit that testing the capabilities of 34 PEP stations to support a Presidential Message may not be operationally adequate. If the encoders and filters for a PEP station only accept the National alerting protocols and these data streams are never passed to other on-air station encoders, there is no assurance that the "system" will work beyond the 34 PEP stations. The Joint Parties submit that the Commission should incorporate on-air tests of state and local broadcast stations into a comprehensive EAS testing scheme. The Commission should further consider using the PEP station activation test as a substitute test of the monthly EAS test twice a year.

CONCLUSION

The Joint Parties submit that the Nation's emergency warning system can be improved

without altering the voluntary nature of EAS or its state/local orientation. The Commission

should focus its EAS improvement efforts on addressing vulnerabilities in the system, upgrading

EAS codes and structure, and extending EAS obligations to digital broadcast media.

Respectfully Submitted,

ALASKA BROADCASTERS ASSOCIATION
STATE EMERGENCY COMMUNICATIONS COMMITTEE

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